

COMMONWEALTH OF MASSACHUSETTS

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No. 03-40266 CBS

AMERICAN MANUFACTURERS MUTUAL  
INSURANCE COMPANY,

Plaintiff

v.

TOWN OF NORTH BROOKFIELD,

Defendant

DEFENDANT’S MOTION FOR PARTIAL SUMMARY JUDGMENT

The defendant, Town of North Brookfield (the “Town”), moves this Honorable Court to enter judgment in its favor on the following issues:

1. the liability of the plaintiff, American Manufacturers Mutual Insurance Company, (“AMMIC”) under the performance bond it issued to the Town for the Junior/Senior High School construction project for additional costs incurred by the Town as a result of the default of AMMIC’s principal, the general contractor, as set forth in Count I of the Counterclaim.
2. the claim of AMMIC that it is entitled to a pro tanto discharge from liability under its performance bond as a result of payments that the Town made to the general contractor in May of 2003.

In support of this Motion, the Town states that there are no genuine disputes as to material facts and that the Town is entitled to judgment as a matter of law with respect to these

issues. In further support, the Town submits the within Memorandum of Law.

TOWN OF  
NORTH BROOKFIELD,

By its attorneys,

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